

## **REMARKS**

### **CLAIM REJECTIONS – 37 CFR 1.32(4)(C)(3)**

Claims 1, 6, 17, 22 and 26-33 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-12 of U.S. Patent No. 6,725,246.

The Office Action on page 2 rejects Applicants' previously submitted Terminal Disclaimer because more than 10 practitioners are listed in the Oath as filed. Applicants have subsequently revoked the defective Oath.

Applicants respectfully submit the attached Terminal Disclaimer to address the double patenting rejection, and request the withdrawal of the obviousness-type double patenting rejection.

### **CONCLUSION**

For at least the foregoing reasons, Applicants submit that the rejections have been overcome. Therefore, all pending claims are in condition for allowance, and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application.

Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,  
**BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP**

August 11, 2009

Date

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I hereby certify that this correspondence is being submitted electronically via EFS Web on the date shown below.

Date: August 11, 2009

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